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in this last number launched out into a magnificent defence of the men who made illustrious the first years of the present century in France, and gave it a right to be classed as on a level with the age of Louis XIII. and XIV. Starting from the time of the Convention, and passing on to the Empire, to the Restoration, and thence to the Government of July, he pays a tribute of admiration no less just than admirably expressed to a period which, intellectually speaking, will always be one of France's titles to fame in the eyes of the world. Not one of the great names of the age is forgotten, and each is appreciated in a way that proves the author of *Jocelyn*, when he is animated by a sincere conviction, to be as well gifted in critical qualities as in those of poetic inspiration. M. de Lamar-tine's tenth *Entretien* has created a strong sensation, and calls everywhere for the reader's best attention.

- ART. X.—1. *Die Geschichte der Römer*. Von FR. DOR. GERLACH und J. J. BACHOFEN. Erster Band. Basel: Bahnmaier's Buchhandlung. (C. Detloff.) 1851. 8vo. pp. 669.
2. *Römische Geschichte*. Von DR. A. SCHWEGLER, ausserord. Prof. der Class. Lit. an der Universität Tübingen. Erster Band. Tübingen. 1853. Verlag der H. Laupp'schen Buchhandlung. (Laupp und Siebeck.) 8vo. pp. 808.
3. *Geschichte Roms in drei Bänden*. Von DR. CARL PETER, Director des Gymnasiums in Anklam, und Herzoglicher Sachsen-Meiningen'scher Consistorial- und Schul-Rath. Erster Band, die fünf ersten Bücher. *Von den ältesten Zeiten bis auf die Gracchen enthaltend*. Halle, Waisenhaus Buchhandlung. 1853. 8vo. pp. 616.
4. *Römische Geschichte*. Von THEODOR MOMMSEN. Erster Band. *Bis zur Schlacht von Pydna*. Leipzig, Weidmann'sche Buchhandlung. 1854. 8vo. pp. 644.

ROMAN History has fully shared in the rapid progress made in all branches of classical philology in the past thirty years. In no other branch, indeed, can progress be so clearly seen

and so accurately measured as in this; for in no other has there been within this period one man who contained in himself the whole of his science, who was not only the first, but the only one in it, as Niebuhr was in Roman History, — just as Comte is at the present day in Positive Philosophy, with opponents and followers enough, but no rivals. During Niebuhr's life the world did little more than to keep up with him. It was not until after his death that Arnold and Michelet published their histories, aiming at little more, in the early parts at least, than to give Niebuhr in a readable form. It was not until some years later that any important results of independent investigation were attained, and it is only in the present day that a history has been written presenting such results in full.

We propose in this article to notice four works now appearing in Germany, each aiming to become the standard History of Rome, and each containing in its own way and degree the results which have been reached in Roman history by Niebuhr and later writers. This is true even of the first, — Gerlach and Bachofen's; for although the writers reject Niebuhr's processes and conclusions, and deplore his influence, it is nevertheless true that many of the best parts of their own book would have been impossible but for him. The authors are already well and favorably known as writers on Roman antiquities. Professor Gerlach in especial has published from time to time a large number of treatises on this subject, many of which have been collected in his *Historische Studien*. They are characterized by a lively, elegant style, a ready enthusiasm, and an earnest, hearty appreciation. Of late years he has labored mainly on the history of the monarchy, a period to which he is much less adapted than to the later history, and with his natural boldness and impetuousness has devoted himself to overthrowing Niebuhr's theories. He says: "Niebuhr's name will last as long as the memory of Rome lives. But the creative power with which God endowed this mighty mind became its seducer. No one has erected a finer monument to the old Italian peoples, and spoken more nobly than he upon their fate, but also no one has *tutored* (geschulmeister) tradition more arbitrarily." In accordance with these

sentiments, this History is not so much an attack on Niebuhr as an attempt to ignore him. It possesses all the brilliant rhetorical qualities which both its authors have amply at command, but is deficient in the logical element, which for this period is the most essential. Thus the purely narrative portions are admirably executed, and the chapters of the First Part contain descriptions of places and public works which are seldom surpassed for vividness and accuracy. Beyond this it can hardly be praised, except for the industry and enthusiasm with which it is written. Some of the best chapters are confused and disconnected, and there is throughout such a blind disregard of historical evidence, and such waywardness in judgment, as is in the present age incomprehensible.

The First Part is made up of the following chapters:—“West-Central Italy,” “The Oldest Traditions of the Latins,” “The Oldest Migrations of Peoples,” “The Trojan Settlement,—Lavinium, Alba,” and “The Peoples of West-Central Italy after the Overthrow of Alba.” The Second Part contains, after a short and well-written Introduction, a chapter on each of the seven kings, and one on the principles of Roman Law, by Professor Bachofen. As respects the historical chapters, it is not without disappointment, even in view of the avowed principle on which the book is written, that the reader steps from the—to say the least—eloquent chapters of the First Part into a bare repetition of the stories of Livy and Dionysius, and finds no higher principle of criticism than an attempt to reconcile the contradictions of these writers with themselves and with each other, by picking out from the mass of tradition enough to make a consistent story. A fair instance of the arbitrary way in which this is done may be found in the argument for the Lydian origin of the Etruscans. “It need not be expected of me, that I follow any one of the many conjectures as to the race and origin of the Tyrrhenians. Where tradition speaks so distinctly as here, no one has a right to have an opinion of his own.” Compare with this the following from Lepsius in his *Tyrrhenische Pelasger* (p. 8): “There is little more historical evidence for the Lydian migration than the story which Herodotus adduces as a Lydian one, and Strabo and some others repeat after him.”

This is perhaps stated too strongly, but there is certainly as much historical evidence for the statement of Hellanicus * as to the Pelasgian origin of the Etruscans, as for that of Herodotus that they were a Lydian colony.

But what is the system of historical investigation which Professor Gerlach would substitute for Niebuhr's? We will state it in his own words: "We will not listen to opinions, conjectures, judgments, of the nineteenth century on old Roman affairs, but will learn the deeds and fortunes of the Romans as they were understood, comprehended, and related by themselves." That is to say, judgment, criticism, is not to be applied at all to history. We are to accept the accounts of early Rome which, not contemporary writers, of whom there exist none, but writers who lived six or seven hundred years after the alleged epoch, and who themselves complain of the scantiness of historical evidence, have transmitted to us. Suppose, however, these writers tell us what is utterly incredible, or suppose they give us two contradictory and irreconcilable accounts. In accordance with the principles here expressed, we have the stories of Numa and the nymph Egeria, of the eagle carrying off Tarquin's hat, of Attus Navius and the whetstone, of the flame on the head of Servius Tullius, all related as parts of the history. It would be unjust to accuse the authors of believing these stories, or to deny that they have really a principle of historical study, which is finely developed in Professor Bachofen's closing chapter. This principle is, to accept the history as the living, trusting mind of the Roman people worked it out, true in its grand features, true in its names and facts, but with much strange embellishment, such as men then delighted to believe, and we should not with sacrilegious hand cast away. "Under the Roman forms lies hidden a kernel of eternal wisdom. The forms have disappeared. The kernel remains. The old divination may appear to us, to whom a purer revelation has been granted, imperfect, in many respects even childish. But the conviction out of which it flowed, and the need which it was appointed to satisfy, belong to the noblest side of the human

* Dionysius Halicarnassus, I. 28.

mind, and form a foundation which no other state can ever do without (*entbehren*).” There is much that is noble and beautiful in this affectionate and reverential study of the past. But truth is nobler and more beautiful, and history demands truth. With all acknowledgment of what there is fine and genial in this book, we must still claim that it is no history, for it does not tell us what Rome really was, nor does it seek in the right way to know.*

Schwegler's History is in every respect a contrast to Gerlach's. It is clear, well arranged, passionless, logical. It is equally a contrast in its views, being as radical and sceptical as the other is conservative. The author's aim has been to combine in one work, not only all the results which modern investigation has reached, but the methods pursued, and the steps—even the false steps—taken in attaining the results, and to apply a searching criticism to all. Every point is discussed in detail, every theory which has been brought forward is stated and examined, all passages in ancient writers are cited, every treatise which has been written in modern times is named. The result is a volume of eight hundred pages on a period of which the author professes to believe very little, ending with the overthrow of the monarchy. The second volume promises to come down to the Licinian Rogations. Thus this is not a history, but an *encyclopædia of history*, unfit for general reading, but indispensable to the student, as containing in a comparatively small compass a mass of facts and authorities such as only long and careful labor can collect. The author seldom advances a theory of his own, but his statement of those of others is remarkably clear and just, and his judgment of them impartial, and in general satisfactory. He cannot be blamed for lacking enthusiasm, which would certainly have made his book less serviceable. His faults are diffuseness, and at times an overstretched and wearisome minuteness. It is strange that, with this generally successful

* The other extreme of historical investigation is represented by Sir George Cornwall Lewis, who maintains that we can know almost nothing of Roman history before the invasion of Pyrrhus, because, as he says, we have no contemporaneous testimony as to the previous time. This excess of scepticism appears to us as far from the truth as Professor Gerlach's credulity.

attempt at completeness, he has almost entirely omitted the chronological discussions, which form so valuable a part of Niebuhr's work. Next to his statements of the views of other writers, the most curious, and on the whole the ablest and most satisfactory portions, are those in which he treats of the Roman myths, for which his minute knowledge of religious antiquities and his clear logic admirably fit him. We will remark, by the way, that he has mentioned Newman's "Regal Rome" as pursuing an "apologetic-conservative tendency," confessing in a note that he knows it only from the notice in the London Athenæum. Had he seen the book itself, he would hardly have spoken of it in these terms.

Of Peter's History* we have less to say. It is well written and systematic, not aiming to exhaust the subject like Schwegler's, but perhaps as good a compendium as there is of the essentials of Roman history. Peter's views, which have been developed in former works, particularly in his *Epochen der Verfassung der römischen Republik*, are based upon Niebuhr's, with some modifications. Especially valuable is the prominence he gives to the constitution of Servius Tullius as the real starting-point of Roman constitutional history, and his refutation of Niebuhr's theory of the Centuries.

The fourth book upon our list is by far the most important. Theodore Mommsen has for some years been acknowledged as the first authority in Roman history. He is still a young man, having taken his degree at Kiel in 1843, and after a residence of some years in Rome having been made Professor at Leipzig. Losing his chair and condemned to prison in 1850 for the part he took in the revolution in that city, he was appointed to a professorship at Zürich, which he held until 1854, distinguishing himself meanwhile by various publications on matters connected with Roman history, especially by his *Inscriptiones Regni Neapolitani Latinae*, acknowledged to be a model work of its kind. In 1854 he obtained a chair in Breslau, as Professor of Roman Law, where he is at present engaged on a *Corpus Inscriptionum*

* The second volume, published in 1854, carries the history down to the fall of the Republic.

Latinarum, a companion to Boeckh's *Corpus Inscriptionum Græcarum*.*

The high expectations with which the work before us was received have not been disappointed. It is indeed unattractive in appearance. It forms part of a cheap series published by the Weidmann house in Berlin (recently removed thither from Leipzig),† and its dingy paper and closely printed pages — hardly broken into paragraphs — form a striking contrast to the white paper, clear type, and general air of elegance of the works already noticed. The First Book is headed, "To the Overthrow of the Roman Monarchy"; the Second comes down to the "Union of Italy"; the Third to the "Subjection of Carthage and the Greek States." Of the fifteen chapters of the First Book, — which alone covers over the whole ground of Gerlach's and Schwegler's first volumes, — one is introductory, five treat of the ethnography of Italy, four of the external and internal history of the city, and five of the law, religion, industry, science, and art of this period. In these he has not given us a series of investigations like Niebuhr's, nor an encyclopædia like Schwegler's, nor a bare uncritical narrative like Gerlach's. Neither is it in the true sense of the word a *history*, but rather a commentary upon history, taking Niebuhr and his followers for granted, passing hastily over facts, and discoursing largely on causes and development.

* The second volume of his History, coming down to the death of Sulla, was published in 1855; the third, ending with the fall of the Republic, in 1856. It will probably be completed in two more volumes. Besides the above mentioned, his principal works are: *De Collegiis et Sodaliciis Romanorum*, Kiliae, 1843; *Die römischen Tribus in administrativer Beziehung*, Altona, 1844; *Ueber das römische Münzwesen*, Leipzig, 1850; *Die unteritalischen Dialekte*, Leipzig, 1850. He is also engaged to write the first part of the fourth volume of Becker's *Handbuch der römischen Alterthümer*, being that part which treats of Roman Law.

† Besides Mommsen's three volumes, Preller's Greek Mythology in two volumes, and one volume of Greek Antiquities by Professor Schömann of Greifswald, are already published; and we are promised works on Roman Antiquities, by Professor Lange of Prague; on Roman Literature, by Professor Hertz of Greifswald; on Greek History, by Professor Curtius of Göttingen; on Greek Literature, by Professor Bergk of Freiburg; on Roman Mythology, by Hofrath Preller of Weimar; on Ancient Geography, by Dr. Kiepert of Berlin; on Metrology, by Professor Jacobs of Berlin; on Archæology, by Professor Jahn of Bonn; and on Metre, by Professor Ritschl of Bonn.

For this work Mommsen is fitted, as perhaps no one else living is, both by his philosophical tone of mind and by his unsurpassed antiquarian learning. The treatises he has from time to time written have given him an enviable distinction in this latter respect, and what he says may almost be accepted as from authority. His History is written for the learned German public, in whom he assumes a familiarity with the subject which warrants him in almost entire abstinence from discussions, arguments, and foot-notes. He would let the reader seek in the works of Niebuhr, Becker, Schweigler, and others, the special verification of the views he maintains. This gives him an immense advantage as a philosophical writer, in enabling him to devote himself almost entirely to the development and expression of these views, and to neglect the framework of history for its real substance. His terse, sometimes too compressed style, aids him in this, and consequently there is a great deal more and harder reading in the book than at first sight appears. It is scarcely too much to say, that each volume, if printed in the same generous style, and with as large a proportion of annotations, would be equal to two volumes of Grote's History. The absence of notes is in many cases an evil. Mommsen advances new views and theories as freely as Niebuhr, and we know not where to look for their evidence. And, besides, there are many allusions where even the learned reader would be glad of a reference. An interesting feature in the early chapters is the frequent interpretation of archæological terms from the Latin and its cognate languages. His rare knowledge of the Italian dialects places him in this beyond criticism from us, however unexpected some of his derivations may be. It is also instructive when he translates Latin terms into German, such as *Mordspürer* (Murder-trackers) for *Quæstores Parricidii*, *Ackerbrüder* (Field-brothers) for *Fratres Arvales*, *Brückenbauer* (Bridge-builders) for *Pontifices*, *Lanzenmänner* (Lancemen) for *Quirites*,—in both these last instances showing the derivation by the translation; but it is a mere affectation, common to the Germans, to employ these translations in place of the original word, as we have seen *Engelsburg* employed to denote the castle of

St. Angelo in Rome. His style is animated, and in general good; not free, however, from the hard, involved sentences in which the German language delights, and occasionally a little obscure from this cause.

A most startling theory, advanced in the fourth chapter, and supported from time to time by incidental arguments and illustrations, is that Rome was founded as a commercial city (*Handelstadt*), and reached its high development as such under the Tarquinii. Its position on the only large river of Central Italy, its territory embracing both banks of the Tiber to its mouth, its harbor of Ostia for foreign traffic, the scattered notices we have of early intercourse with Carthaginians, Phocæans, Cumæans, and other nations, its symbol on coins (the beak of a ship), and many additional circumstances that might be named, lend probability to this theory; but it has met as yet with little favor.

Italian ethnography, to which Niebuhr devoted nearly two hundred pages, has received especial attention since his time; and so important have been the discoveries, and so vast the progress, made in this department, as to render many of his conclusions worthless. He worked indeed only from one side, on the materials afforded by ancient literature, and these he perhaps exhausted. But the languages of Ancient Italy were scarcely known, their inscriptions had not been collected, and their relation to one another and to the Latin and the Greek was an almost unexplored subject. Later investigators soon saw that these must form the only key to the ethnography of Italy, and to them attention has been chiefly directed. The Umbrian, Sabine, Samnite, Oscan, and other inscriptions, have been collected and studied, and the conclusions are of the most interesting character. These are stated by Mommsen, — himself one of the most active laborers in this work, — in a few brief and graphic chapters. The grand result is this: * — that the Latin language is not mixed,

* It will be seen that this is directly opposed to the theory of Newman, who maintains (*Regal Rome*, Chapters II. and IV.) that there was a large mixture of Keltic in the Latin language, derived as he thinks through the Sabine. While we do not pretend to such knowledge of the Keltic and the primitive Italian languages as might enable us to decide on their own merit between these views, we must

as Niebuhr supposed, but has all the characteristics of a pure language developed from its own resources and by its own laws (an *elder* brother, some suppose, of the Greek); that it is one branch — the most highly developed — of an Italian family, comprehending the Umbrian, Samnite, and various other branches; and that this Italian family is not descended from the Greek, but is related to it just as it is to the Teutonic, only more nearly. Mommsen says: "The Greek and the Italian are brothers, the Kelt and the Slave their cousins." And again: "If the Italian language stands independent by the side of the Greek, in the former the Latin dialect is related to the Umbro-Samnite, somewhat as the Ionic to the Doric, while the differences of the Oscan, Umbrian, and related dialects may be compared with those of Dorism in Sicily and in Sparta." This interesting discovery, made we believe by August Wilhelm von Schlegel, is as it were a key to Mommsen's work. "It is the history of Italy," says he, "which shall be related here, not the history of the city Rome." And his second book is devoted to showing how the different members of the Umbro-Sabellian family fell one after another before the Latin, until by the subjection of the Samnites the whole Italian race was united into one political body under the rule of Rome.

Mommsen appears throughout, as here, the representative of Italian nationality and independent development. "The incomprehensible opinion," says he, "that the Roman nation is a mixed people, exerts itself in various ways to represent the three great Italian races as component elements of the oldest Rome, and to transform the people that developed, as few others have done, its language, state, and religion, pure and without external influence, into a barren mixture (*wüstes Gerölle*) of Etruscan and Sabine, Hellenic and (*leider*) even Pelasgian elements." He reduces to the lowest possible estimate the influence exerted on the Romans by Etruria; but at the same time brings forward more prominently than is usual the part taken by the Greeks in the development

confess an attraction towards the grand simplicity of the German. At the same time, we are predisposed to accept the view which is almost universally held by German scholars.

of Rome. He shows how the law and the religion of the Romans were the growth of their own mind, and claims for their art a higher place than it has heretofore occupied. It was developed, he says, page 152, "not under Punic, but exclusively under Hellenic influence."

Into the various complicated questions of Roman antiquities our plan does not require us to enter. We will, however, notice one work, — Professor Rubino's,* — remarkable for its depth of thought and learning, and still more so for the severe logic with which it seeks to overthrow one of Niebuhr's fundamental and most cherished theories. Niebuhr held, as is well known, that the early constitution was really republican, the king being an elected chief magistrate with quite limited powers. Rubino argues, on the other hand, that it was strictly monarchical and absolute, the king the source of all power and all action. On this head it may be fairly conceded that the elder Romans had a deep reverence for authority, and that their kings had a very extensive and comparatively untrammelled power, as was demanded by the exigencies of a young state among powerful and unfriendly neighbors. As much as this, Rubino has clearly shown. It is none the less true, however, that the people, that is, the *populus*, the Patricians, are almost without exception represented by classical writers as the original source of power. As Mommsen says, "The oldest Roman constitution was to a certain extent the converse of the constitutional monarchy. As in this the king is considered as the possessor and bearer of the fulness of power (*Inhaber und Träger der Machtfülle*), and by consequence acts of grace go out from him, while the execution of the rights of the state is in the hands of the representatives of the people, so the body of the Roman people (*die römische Volksgemeinde*) was nearly what in England the king is, while all execution and administration belonged to its ruler (*Vorsteher*)."

* *Untersuchungen über römische Verfassung und Geschichte*, von J. Rubino, Professor in Marburg. Erster Theil (*Ueber den Entwicklungsgang der römischen Verfassung bis zum Höhepunkte der Republik*). Erster Band. Cassel J. C. Krieger's Verlags-Buchhandlung. 1839. 8vo. pp. 504. This work, which, notwithstanding its views are very generally rejected, took its place at once as a standard work, has never been continued beyond this *first volume of the first part*.

Rubino shows in his first chapter, "Of the Transferring (*Uebertragung*) of the Roman Magistracy," that office was conferred in all instances by a personal act (*creare, renunciatio*) on the part of a magistrate; that no magistrate could create an officer with higher powers than he himself possessed, nor could any but the highest magistrate (*consul, interrex, dictator*) create one with powers equal to his own; that without this *renunciatio* election by the people gave no power; that office thus conferred was sacred, and could never (in the flourishing period of the Republic) be taken away, — the first instance being that of Marcus Octavius, B. C. 133. There was therefore an analogy to ordination in the Roman and English churches, the officer receiving by this act a consecration (*Weihe*), which he could lose only by personal abdication. It will be seen that this is quite inconsistent with hereditary monarchy and divine right, as it has been understood in modern times. This consecration is not transferred by descent, but by a personal act of *renunciatio* on the part of the incumbent, based on the previously expressed will of the people, and at the death of the consecrated magistrate it of course expires. It is theocratic in its nature, resting on the will of the gods, which it was believed bestowed the consecration at first, and renewed it at every stage, by giving the possession of the auspices. Who then possessed the *auspicia maxima* when the consecration had expired through the death of the king or other chief magistrate? Rubino answers, that, when the consecration has expired in any individual chief magistrate, it must be renewed in some other individual (as *interrex*) by the patrician part of the Senate, since in this case the auspices, and the power of obtaining a fresh consecration from the gods, belong *for the moment* to this body.*

* We give his own words in the most important passage on this point (p. 86): "Wenn durch den Tod des Königs das Haupt, welchem die Auspicien angehörten, hinweggenommen war, dann wurde es als sicher angenommen, dass in der Mitte der patricischen Senatoren sich der befände, welchem die Götter zunächst die Fortleitung ihrer Herrschaft über Rom übertragen würden, und daher hatte die Gesamtheit derselben, obgleich entblösst von aller Magistratswürde, oder wie der Kunstaussdruck lautete, *privatim*, für diesen Moment und für ihn allein die Auspicien."

Thus far all is clear, and to the Romans, to whom this consecration was a real thing, true. But the thing proved is that the *patricians*, not the *king*, as Rubino assumes, were practically the source of power, and that the government was thus, not a monarchy, but an aristocratic republic. He continues his argument in the third chapter, and on the views there advanced as to the construction of the Senate and the origin of the patricians rests his whole theory. These views are, that the *patres* were in early as in later times identical with the Senators; that these were appointed by the king from a previously existing body of nobility, and that those thus set apart became the heads of the patrician *gentes*, the patricians being the descendants of the *patres*, and receiving their rank from the king through them. Now that the king appointed the Senators from his own free will may be granted as proved, but that the patricians were only the descendants of the Senators thus appointed is far from being made out. Rubino himself acknowledges that the Senators must have been selected from a body of nobles already existing; but what becomes of the rest of these nobles, perhaps equally wealthy, educated, and well-born, he nowhere tells us. We must suppose that they fell into the condition of clients, belonging as subordinates to the *gentes* of their patrons, and competent to rise themselves by a similar arbitrary appointment, or the dying out of an old *gens*, to the patrician rank. But it is very far from proving this to adduce half a dozen passages* in which Romulus is said to have appointed a hundred *patres*, meaning by these Senators, and three passages† where the *patricii* are called the descendants of these *patres*. Numberless instances may be brought up where *patres* does not mean the Senators, but the patricians.‡ And that a few antiquaries derived the word *patricius* from *pater*, as signifying descent, is a frail founda-

* Rubino, p. 185.

† Cicero de Rep. II. 12. Livy, I. 8. Dionysius, II. 8.

‡ One of the most striking is Livy, IV. 4. For other passages, as well as an able criticism of Rubino's theory, see Becker's *Handbuch der römischen Alterthümer*, II. 1. p. 140 and following.

tion for so important a theory. Dionysius* and Livy† themselves mention other derivations. Apart from the difficulty of believing that an arbitrary choice by the king could establish a body like the Roman patriciate, we must claim, in view of these facts, that only the assumption that the monarchy was founded by Romulus, the heir of Alba, the descendant of Æneas, Capys, and the gods themselves, and that on him the auspices descended from heaven, can add the link wanting to complete Rubino's argument. This is assumed by Bachofen in his sketch of the history of the constitution, and in his hands the theory gains in beauty and consistency. But Rubino has no belief in Romulus, and scarcely mentions his name. It is not proved, then, that the patricians were descended from Senators appointed arbitrarily by the king, and consequently it is not proved that the patrician body received its being from the king, the auspices, and the divine consecration from the gods through him. On the other hand, it is acknowledged that a body of nobility existed before the Senate was instituted, and that from this the Senate was appointed. Why is not this then the *patrician* body? It is acknowledged, too, that the patricians were practically the possessors of the auspices, and thus the medium through which the divine consecration was conferred, and that thus Rome was essentially an aristocracy, not an absolute monarchy.

For these reasons we do not hesitate to reject Rubino's theory, but at the same time would acknowledge our very great indebtedness to his discussions on the practical administration of the monarchy. They have been of essential aid to all subsequent writers. Particularly Bachofen, who wrote the chapter on the Law in his and Gerlach's History, has followed Rubino's theory in its principal points, looking at it, however, more from the Roman point of view as a real consecration received by Romulus, and holding Niebuhr's opinion as to the identity of *patres* and *patricii*. This is the finest chapter in the book,—rich and suggestive in thought, earnest in tone, eloquent in language; we can

* II. 8.

† X. 8.

heartily recommend it, as indeed the whole volume, to those who desire merely a reproduction of the thoughts and opinions of the Romans themselves. Schwegeler's work will be consulted by those who wish to study individual points. But to Mommsen's we would refer those who wish the pith and spirit of Roman history. With many of his views we cannot agree, but we are sure that no one can read his rich, thoughtful pages without gaining a truer and more living knowledge of early Rome.

ART. XI. — *The British Poets*. Edited by Professor CHILD, of Harvard University. *A Complete Collection, from Chaucer to Wordsworth*. Boston: Little, Brown, & Co. 1853–1856.

Is there a word in our language more difficult of definition than *poetry*? To define it is not to say what poetry ought to be, but to determine the characteristics possessed in common by compositions which the world insists on calling poetical. The derivation of the word gives no clew to its meaning; for there are very many romances and prose fictions that display the highest grade of creative power,—nay, who can deny that Scott showed larger and more versatile ability, as a ποιητής, a maker, in *Ivanhoe* than in *Marmion*? But, on the other hand, mere rhythm does not make poetry; for we often read prose that is more rhythmical than verse sometimes is, while we withhold the name of poetry from the most euphonious versification, if made up of detail, burlesque, or doggerel. Artificial measures, resolvable into feet, do not constitute poetry; for the transfusion of the poetry of one language into the prose form of another does not make it prose to the reader's consciousness. No translation of the Hebrew Psalms has succeeded in stripping them of the poetic element; nor does the impossibility of determining the Hebrew metres, or even the denial that there were any, suggest a doubt as to the class of compositions to which those Psalms be-